

1882-064 Chancery Causes: John R. Yeary vs. Addison Smith to  
Lee Co

Wolfenbarger, Ely, Smyth, Beeler, Wolfenbarger, Surgenor

CA-Debt  
T-Property

-Deed



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lee County Va.

Your orator, John R. Yeary humbly com-  
plaining sheweth unto your Honor, that on  
the 12<sup>th</sup> day of September 1872, one Margaret  
Wolfenbarger, executed her certain writing  
obligatory sealed with her seal and signed  
with her proper name, the date whereof is the  
day and year aforesaid, by which she bound  
herself to pay one day after the date thereof to  
Adson (meaning Adolison) Smyth, the sum of  
two hundred dollars, - on the 21<sup>st</sup> day of  
September 1872, by a writing endorsed on the  
back of said bond the said Adolison Smyth  
assigned the same to your orator for value re-  
ceived therefor, which said bond marked "A"  
is herewith filed and prayed to be considered  
with the endorsement thereon as a part of this  
bill. - This bond nor no part thereof has ever been  
paid to the said Smyth, or your orator but the  
same is now wholly due your orator -

Your orator further alleges that this note was  
executed, for the price in part of certain tract  
or parcel of land situated in this County on Powell  
River in Whiteshoals Township, and known as the John  
Ely tract, and was for Rebecca Smyth interest in  
said tract. Your orator further alleges that the  
said Adolison Smyth and Rebecca his wife here



executed a deed to the said Margaret Woffinberger for said lands retaining a lien thereon for the purchase money, which said deed or a copy thereof will be found with bill marked B. and is prayed to be considered herewith.

Your orator is informed and therefore charges that the said Margaret was at the time of the execution of said deed a married woman; and that she still is and the said contract is therefore void - but that the said deed being executed to her and she taking possession of said land, by and with the consent of her husband amounts to a ratification of said contract, or at least a court of equity will compel him to ratify or disclaim said contract - that should he ratify the same then that your orator would be substituted to the rights and remedies of the said Smyth, and be entitled to enforce his lien, for the payment of the said bond. But should he and his said wife Margaret, refuse to ratify or adopt said contract, then your orator claims his rights to proceed against the said Smyth, who being a non resident, and owing these lands in this county your orator has right to proceed against him by Foreign Attachment - to have the said lands attached and held subject to the order of this court.

The object of this bill therefore, is to compel an election by the said Alfred Woffinberger and Margaret Woffinberger, in respect to the contract before alluded to, and if they confirm to

have the same specifically executed, by enforcing the vendors lien retained by the said Adolphe Smyth & wife in said <sup>and</sup> against said land for the benefit of your orator by way of substitution - Should they decline to adopt said contract, then to have the same attached and sold to pay and satisfy the amount your orator paid the said Smyth and wife therefor to wit \$200. paid 21<sup>st</sup> September 1872.

His prayer therefore is that Alfred Woffinberger and Margaret Woffinberger his wife and Adolphe Smyth he made parties defendants <sup>to this bill</sup> and answer to, allegations on oath, that the said Woffinberger and Margaret his wife, be compelled to affirm or deny said contract; that should they affirm then that your orator be subrogated to the liens rights and remedies of the said Smyth, and that his vendors lien be enforced for the payment of your orators claim; But should they deny the same, then that said lands be held liable and subject in the hands of said Smyth to the payment, of your orators claim; and costs; and for all further and general relief may Supr. issue &c.

Edgar A. Anderson



John R. Yeary  
vs. Bickley

Edison Smyth

1873 Oct. Bill. 1873, 1874

1000 (C. 1000) for J. P.

March 1860

1875. March 1. Arr. Calcutta

Sept 24th Seite 100

10. *O. P. and Scare. Lucia*

[illegible]

Voor de eerste maal.

& Set for hearing by Pleff

Genl. Sir Exeter and Thos

11 July Decree nisi Cont.

July and P. C. Campbell

For Herminie by Betty

1850

Ch. 13A. 8V

1827. Aug & Nov Contd.

1878. Conty this year.

1879. Contd	"	"
1880. Contd	"	"

1481. Mr. Gould, Au

1087 Mr. Vesey



To the Honorable John A. Kelly Judge of the  
Circuit Court of Lee County.

The amended and supplemental bill of  
John R. Geary, to his original bill heretofore  
filed in this Honorable Court, - Your orator  
would respectfully represent that his original  
bill was filed against Addison Smyth the wife  
and Margaret Holfenberger their vendee of a certain  
piece of land properly described in his said  
original bill, and the debt sought to be en-  
forced was the purchase price thereof, being \$200  
due 22 day of September 1872, after the institution  
of your orators suit the said Margaret Holfenberger  
departed this life, and the cause has been heretofore  
revived against her heirs & personal representatives  
a decree rendered therein directed the lands of the said  
Margaret to be sold, and ~~that~~ that is the price  
she purchased from Addison Smyth's wife, and  
your orator became the purchaser at the price of  
\$60; out of which he had to pay the sum of  
\$48.99. and commissions \$3.25. leaving only the sum of  
\$22.72. to be credited upon your orators demand.

Your orator alleges that the said Margaret had  
other lands adjoining the lands sold as aforesaid  
and is her own part of said Edy farm, as others  
purchased by her, they are situated in this county &  
is properly described in your orators original  
bill to which reference is here made.



The said Margaret had other and divers creditors not known to your orator, and for whose benefit this amended bill is in part filed upon the usual condition of creditors bills - In the nature of which your orator seeks to charge his cause he prays for an account of the administrator Thomas S. Ely, and that a commission ascertain <sup>what</sup> ~~what~~ lands & their rental value, yet remain still belong to the said Margaret Wolfenborger at the time of her death - and that he ascertain the indebtedness of said estate & whether or not the said lands will in five years pay the said debts.

It is this end he makes Addition Snygts Alfred Wolfenborger, Thomas S. Ely administrator of the estate of Margaret Wolfenborger deceased, and the following children & heirs at law of Margaret Wolfenborger deceased, and to whom said lands descended parties to this Suit viz. Alpha Wife of Joseph Wolfenborger, Joseph Wolfenborger, David L. Beeler, David Beeler Leola Beeler and Morgan M. Beeler being at law of the said Margaret parties defendants to this bill and that they answer the same on oath, that a decree be rendered directing an account of said estate, showing its personality, its debts, its real estate its rental value and the amount of debts, and that the same be rented or sold for the payment of the said debts and for all other further & general relief they may suffer in law &c.

Attest & Endorse

John R. Grant

333 Bonded Bill

Alfred Snygts et al  
Filed at June 1876

Colk. 5.30 To Jan'y 1877  
1.00  
po 5.00  
\$ 11.30  
Comm. Orr. 2.25 -  
Witnesses 1.00 -  
\$ 14.55 -



To the Honorable John S. Kelly Judge of  
the Circuit Court of Lee County Va.  
The Joint Answer of, David C. Buler  
Daniel Buler, Calib Buler and Morgan Buler,  
infant children of Morgan Wolfenberger, by  
David Miller their guardian ad litem, to the bill  
by John R. Geary against these defendants,  
et al. Respondents says he knows of no  
defense himself proper or available to be  
made to the plaintiffs cause, and his words being  
of tender years cannot, infer him of any  
defence. He therefore demands full proof  
by the plff., and throws his words upon the  
tender care and protection of this Honorable  
Court as the peculiar guardian of infants and  
heirs, now fully answered, he prays leave to  
be dismissed with his costs and costs &c.

David Miller  
Guardian ad litem of the infants

Virginia Lee County—

This day David Miller personally  
appeared before me, and made oath that the  
foregoing answer as far as made upon his own information  
is true, and so far as made upon the information  
obtained from others he believes to be true. Given under  
my hand this 1<sup>st</sup> September 1873

James W. Orr. cl.



David C. Buler et al

ads } Infants in Daniel  
Miller Guardian ad litem  
Susan

John C. Yeary

Filed at Sug' Term 1876.

James W. Orr, Clk.

Fee \$5.00



John A. Yeary . . . . . Plffs. } In chg.  
against  
Addison Smith . . . . . Deft.

This cause came on again this day to be heard upon the report of A. L. Ordmore Comr. with his deed to said A. R. Surgenner, filed therein at a former day of this term - and was argued by counsel, on consideration whereof, and for reasons appearing to the Court, said report and deed being unexcepted to are each of them is confirmed - And said Surgenner is directed to pay said Commissioner Ordmore the sum of \$5.00 for executing the same to him - And said deed is ordered to be by the Clerk delivered to said Surgenner, and no further action being necessary the cause is stricken from the docket.



John R. Yeary

v 3 Decur  
Final

Addison Smith et al  
March 7. 1882

Contd page 257  
J. Platt  
Clerk

Enter this off  
Cur. April 3<sup>rd</sup> 1882  
J. C. K.



John R. Yeary, . . . . . Offs  
against  
Addison Smith et al's debt }

This cause came on again to be heard upon the papers formerly read and the report of A. S. Pendmore filed Nov. 12 1879, and the assignment without any advance in price, by John R. Yeary to the price of land purchased by him, to A. R. Sargenmer. And was argued by Counsel - and Consideration whereof and for reasons appearing to the Court - said report - and the transfer of the land from Yeary to Sargenmer, are on each of them is confirmed. And it appearing by said report - that said purchase money has been fully paid; A. S. Pendmore who is hereby appointed a commissioner therefor will convey to the purchaser A. R. Sargenmer the price purchased by John R. Yeary, being the interest formerly owned by Addison Smith and wife and also, the  $3\frac{1}{2}$  other shares owned by said Margaret Wolfenberger, being one half of the said John Ely tract by Covenants of special warranty, and report the same, to a future day of this Term to which day, said cause is continued for the coming in of said report.



John R. George

W 3  
Deene  
for Conveyance

Addison Smithway  
March 5. 1882

Ent'd Page 250.

J. A. Hyatt  
Clerk,

Enter this  
April 4 / 82  
J. A. K.



John R Geary      P.H.  
against  
Addison Smyth et als      Sept.      { In ch

This Cause Came on again this day to be heard on the papers formerly read and ~~not~~ argued by Counsel. And it being suggested that the defendant Morgan Wolpenbarger has died since the last Calling of this cause. And the Court being informed that his heirs at law are the following named persons to wit Orpha wife of Joseph Wolpenbarger, David & Beela, Daniel Beela, Colib Beela and Morgan M Beela - In consideration it is therefore ordered that this suit be revived as against them and be proceeded in to a final termination. And it being further suggested that the last named four are infants it is ordered that David Miller be appointed a guardian ad litem and answer for them. And the said David Miller having now filed his answer - the cause is ordered to be proceeded with and the decree heretofore entered executed and the cause is continued.



for W. Gray

v. { clean - narrow  
Addison Smyth et al

Can I receive without  
seize facias?



John R Gray  
against

Pff { In by

Addison Sinyth et al

Deft {

This cause came on again this day  
to be heard on the papers formerly  
read and report of Comr. A L Pride-  
more filed February 5<sup>th</sup> 1877 and  
was argued by counsel. By which  
report it appears that said Comm-  
issioner sold pursuant to a decree  
in this cause the land which  
was owned by Margaret Wolferbagen  
at the time of her death, the same  
being one half of the old John Ely  
tract described in the bill, and at which  
sold A R Dungenen became the pur-  
chaser at the price of \$260. And  
said report being unexcepted to is  
confirmed. And it further appearing  
to the Court that the purchaser with  
Jm R Richmond <sup>security</sup> executed his note to  
said Commissioner for \$232<sup>45</sup> the  
same being the balance of purchase money  
after payment of costs, to be paid on  
the 5<sup>th</sup> of February 1878 with interest  
from 5<sup>th</sup> of February 1877. On consideration  
it is ordered that the said Commissioner  
collect the same when it falls due  
and pay it <sup>pro rata</sup> ~~to~~ to the creditors  
as set forth in report of Comr. Wm A Orr.



John P. Quay

No { Secur

Address Emory St. Ave

Entered Order Books

page 622.

James W. Con. Clk.

Con. Clk.  
J. W. K.  
Apr 3/77

But before he collects the same  
he will execute bond before the  
Clerk of this Court in the penalty  
of five hundred dollars conditioned  
to pay said money as herein decreed,  
he will report his action to this  
Court and the cause is continued



John R. Geary . . . . . Plff }  
against }  
Solomon Smyth et al. v. &c.

This cause  
came on again this day, to be heard upon  
the papers formerly read and the report of  
Wm. S. Orr, special commissioner, filed Nov.  
15. and was argued by counsel, and it appearing  
that said report has been filed more than  
10 days before the commencement of this term  
~~court~~ and no exceptions being filed thereto the  
same is confirmed - in consideration  
whereof and for reasons appearing to the  
court, it is adjudged ordered and decreed  
that John R. Geary recover from Thomas  
S. Ely sheriff administrator of Margaret  
Wolfsberger dec'd the sum of \$226. 31.  
as of September 23. 1876, and that Hill & Butler  
recover the sum of 188. 88 with legal interest  
thereon from the 14<sup>th</sup> Nov. 1874 till paid - And that  
the plff recover his costs in this suit - And  
that unless said Thomas S. Ely admin or some  
one of said heirs shall pay the aforesaid sum  
within 30 days from the rising of the court  
then, that A. L. Prillmore who is hereby appointed  
a special commissioner, is directed after posting  
notice for at least, 30 days, on the front door  
of the court house of this county and in the neighbor-  
hood where the land lies, setting out the time  
terms and place of sale, proceed to sell the  
~~the~~ lands owned by Margaret Wolfsberger at the  
time of her death or so much thereof as may  
be necessary to pay the claims herein, named and  
the costs of this suit. He make said sale at  
the front door of the Court House of this



This court on some Court day, on a credit  
of twelve months except so much as may  
be necessary to pay the costs of suit & sale, which  
the commissioner will require to be paid down

He will take bond payable to himself as  
commissioner bearing interest from date with  
good personal security for the purchase money

He will report his action hereafter from time to  
time to this court & the cause is continued

John R. Geary

vs } Secured

Abolition Society

Nov. 1. 1876

Entered under Book No. 598

A. W. Orr Jr. Sec.

Enter this claim  
Dec. 8. 1876  
J. A. H.



+ on motion David Miller guardian  
ad litem of infant debts filed their  
answer and thereupon

John D. Gray      Off  
against      in ch  
Addison Smith et als      Defts

This cause came on again this day to  
be heard on the papers formerly read and  
the amended bill and publication duly  
executed against the non-residents, the answer  
of the infant defendants by David Miller their  
guardian ad litem who filed the same by  
leave of court. On consideration whereof  
it is adjudged ordered and decreed that com-  
mission William A. Orr state settle and  
adjust the administration account of the  
representative of decedent <sup>William A. Orr</sup> William A. Orr, that  
he show all the debts due to and from  
said estate - that he show the real estate  
owned by the said Margaret William A. Orr at  
the time of her death and which has descended  
to her heirs, the untol value thereof and  
who is now in possession of the same and  
further report if the heirs of said land will  
pay the debts due within five years. He  
will also state any matter deemed by him  
pertinent or required to be stated by the parties  
and report to the court and the cause is  
continued



Jos D. Gray

to { docu

Addison Smith et al

Entered in O. B. Page 553

R. W. Orr Jr. 22

Enter This

Sept 6/70

In A. K.



John R. Geary . . . . . Plff } In Ch.  
vs }  
Addison Smyth et al, Defts }

The order of continuance, heretofore entered in this cause is upon motion of the plff set aside. And thereupon this cause came on again this day to be heard upon the papers formerly read and the report of special commissioner A. L. Pridemore filed November 2<sup>d</sup> 1876, and was argued by Counsel. And it appearing from said report that the same has been filed more than 10 days before the commencement of this term, and no exceptions being filed thereto the same and the sale therein reported are confirmed - And it further appearing to the Court that said proceeds of sale, fall far short of satisfying the plffs demand as decreed herein heretofore, and that the decedent has other lands in this country, subject to the payment of his said claim, and that there are also other creditors, <sup>said</sup> ~~entitled to share with the~~ ~~plff, in the~~ estate of the decedent. On consideration whereof & for reasons appearing to the Court it is adjudged ordered and decreed that A. L. Pridemore commissioner herein, makes and executes to the plff. a deed of conveyance with covenants of special warranty ~~to the plff~~, for the land purchased by him & that the plffs demand be credited with the sum of \$22.72. the residue of said purchase money after the payment of the costs of suit & expense of sale. And leave is granted the plff, to amend his bill, in the nature of a creditors bill, bringing the heirs & creditors of said Margaret Walpshagen, as defendants before this Court



his said amended bill shall be filed at rules and  
the same proceedings had there as a <sup>in</sup> new suit. Com-  
missioner Prudhomme, will report ~~this~~ action being di-  
rected to this court at some future time & the cause  
is continue.

John R. Yeaman

vs. Deane

Admission Sumptuous

March 1. 1876

Entered Order Book  
page 508.

James W. M. clerk.

Enter this decree

April 14. 1876.

J. A. K.



John R. Yeary - . . . . Plffs }  
vs } In chs.

Addison Smyth et al, Defts

On the motion of the plaintiff, David Miller is appointed Guardian ad litem, for David L. Beeler Daniel Beeler Lealeb. Beeler and Morgan M. Beeler infant defendants, and on his motion leave is granted him to file their answers <sup>which is done</sup> and it appearing to the Court that Margaret Wolfmberger <sup>estate</sup> a defendant in this ~~cause~~ who has departed this life, has been committed to Thomas S. Ely sheriff of this county and that a Scire Facias, has heretofore issued and been duly served on said Ely and duly posted and published against the nonresidents, and they all failing to appear answer the ~~cause~~ is ordered to be revived, and to proceed in ~~the~~ ~~same~~ ~~cause~~ of Thomas S. Ely administrator the estate of Margaret Wolfmberger and Joseph Wolfmberger Orpha Wolfmberger his wife David L. Beeler Daniel Beeler Lealeb Beeler and Morgan M. Beeler heirs at law of the said Margaret Wolfmberger; and thereupon this cause came on <sup>again</sup> to be heard upon the papers heretofore read the answer of David L. Beeler Daniel Beeler Lealeb, Beeler and Morgan M. Beeler infants by David Miller their Guardian ad litem, and the scire facias executed and published as aforesaid and was argued by counsel - on consideration whereof the Court is of opinion and doth so adjudge order and decree, that A. L. Prielmeier former Commissioner in this cause ~~do~~ proceed, to execute, the duties assigned him in the former decree in this cause entered herein



John R. Geary

vs } Deane

Adelstein Smyth et al,

Nov. T. 1875

Entered Order Book  
page 483 + 484,  
James W. M. clerk.

Enter this decree  
~~Nov~~ Nov 3<sup>d</sup> 1875  
J. A. K.

on the 27 August 1874, and report this action to be  
this court at some future term, and the cause is  
continued.



John D. Gray

Off.

against  
Addison Smyth & wife Sept 1872  
This Cause came on this day to be  
heard on the bill of the plaintiff  
exhibits filed and was argued  
by Counsel and it appearing that  
process has been duly executed by  
publication duly made against  
the defendants who are alleged to  
be non-residents and they failing  
to appear the bill is taken for  
conferred. And it appearing to the  
Court that the writing in the bill  
mentioned executed by Margaret Wolfinbarger  
to the Addison Smyth the assignor of  
the plaintiff for the land in the bill  
mentioned which has been conveyed by  
the said Smyth and wife to  
Margaret Wolfinbarger as shown by exhibit B.  
The Court is therefore of opinion that if  
the ~~said~~ <sup>Alfred Wolfinbarger assigns to his wife</sup> acceptance of  
the deed by the said Alfred Wolfinbarger  
must be held as adopting his wife's  
contract and must be held bound  
for the purchase money due for  
said tract of land. On Consider-  
ation whereof it is adjudged and  
decree by the Court that unless the  
defendants pay to the plaintiff  
\$200.00 with interest thereon from  
the 13<sup>th</sup> day of September 1872  
and the costs of this suit within  
30 days from this date, then  
Arthur L. Prichard who is hereby  
made a Special Commissioner for  
the purpose is directed to sell



The said tract of land or so much  
 thereof as may be necessary to pay  
 the said debt and costs.  
 The sale is directed to be made at  
 the front door of the Court house  
 of this County on some Court  
 day after ~~due~~<sup>30 days</sup> notice on the  
 Court house door and in the  
 neighborhood where the land  
 lies setting forth the time place  
 and terms of sale and which sale  
 will be made on a credit of 12  
 months except so much as may  
 be necessary to pay costs & shall  
 be required to be paid in hand.  
 The Commissioner will take bond for  
 the purchase price payable to himself  
 in the good security he will report  
 to Court and the same is continued

For A. Gray

W. { Secura

clerk. Wolfenbarger

Entered Order Book

page 365.

James W. Orr. Clerk.

The deed does not

carry Rebecca Smyth's

title — The purchase

price is secured

Enter the

book,

Aug 27/74







State of Va } to wit  
Lee County }

I, Wm A. Orr a Court, in the Chy cause of  
John R. Yeary vs Addison Smyth & als, do  
hereby certify that the within depositions were  
duly taken, sworn to and subscribed before  
me, at the time and place mentioned  
therein.

GIVEN under my hand this Sept. 33/76.  
Wm A. Orr Court.

John R. Yeary  
vs } Depos of A. R. Dargonne  
      } & John R. Yeary  
Addison Smyth & als

Witnesses - \$1.00  
1 day each



Virginia Lee County to wit  
This day John R. Yeary made oath before  
me that Addison Smyth, is justly indebted  
to him in the sum of \$200. and interest thereon  
from the ~~27~~<sup>6<sup>3</sup></sup> September, 1872 - but that he also  
owes said Smyth \$20. to be paid when he  
collects a note assigned to him by said Smyth  
on Margaret Wolfenberger, due the 13<sup>th</sup> September 1872  
and that he is informed and believes that said  
Addison Smyth, Alfred Wolfenberger and  
Margaret Wolfenberger are now residents of this  
Commonwealth given under my hand this 25<sup>th</sup>  
day of <sup>August</sup> 1873.

James W Orr, Clerk,  
Lee County Court.



John R. Geary

vs. Affiant

Adrian Smith et al

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To the Honorable John R. Keller Judge of the  
Circuit Court of Lee County.

The undersigned who was appointed a special  
Commissioner, in the Chancery cause of John R.  
Yeary against Solomon Smyth et al., begs leave  
to report - That in pursuance with former de-  
crees, rendered in this cause, particularly, and on  
the first day of the January term 1876 of the county  
Court, proceeded, at the place & in the manner  
prescribed, to sell on the terms mentioned in said  
decree the lands directed to be sold, and the same  
was knocked off to John R. Yeary the plff as the  
highest bidder at, the price of \$65.00. of which  
sum he paid your commission for costs of suit  
as taxed by the Clerk \$48.99. and also his costs of 5 per-  
cent, \$3.25 - leaving of the purchase money \$22.72. to be  
credited on the plffs claim, and as the same was due  
to him alone I did not require bond as no one else  
was interested - thus leaving the plffs original de-  
mand only credited with \$22.72. The defendant  
Margaret, Wolfenbarger, at the time of her death and at  
the time of the rendition of the first decree, owned other  
lands in this county as in the plffs bill mention, &  
she also owed some other debts, your com. therefore  
suggests and account be taken, of the rental value  
of her other lands & of the debts owing from her, & their  
priorities. Your com. has ascertained, but will now state  
from all he can learn the sale, was as much as could  
have been realized, for said lands. They are poor, and  
only one share in a considerable farm. Its confirmation  
therefore he recommends. All of which is respectfully  
submitted.

A. L. Pridemore

March 2<sup>d</sup> 1876



John R. Yeary

and Communes  
Refort - No 1  
(A.L.P.)

Adelion Smyth et al

Filed Nov 2nd 1876.

James W. Orr Clerk.



To the Honorable John A. Kelly Judge of the Circuit  
Court of Lee County:

The undersigned who was appointed a  
Commissioner by a decree of your honorable Court on  
the 6th day of September 1876 in the Chancery Cause  
of John R. Geary against Addison Smyth et als,  
begs leave to report. That pursuant to the requirements  
of said decree, after first summoning the parties inter-  
ested in this suit on the 23rd day of September  
1876, <sup>See notice filed herewith marked "A"</sup> I proceeded to examine the standing of Thomas  
S. Ely Sheriff and as such administrator of the  
estate of Margaret Woolfenbarger deceased, and  
I found that there was nothing in his hands from  
the fact that there had never been any thing in said  
estate for an administrator to do. She having  
left no estate, except a small and poor tract  
of land on Powell's River about 15 miles  
below Jonesville, which would not rent for  
more than 25¢ per annum (See the depositions  
filed herewith, as a part of this Report, of  
A. R. Surgeur and J. R. Geary.) Your  
Commissioner has not been able to learn who is in  
possession of said land but he has been in-  
formed that it is in the possession of some of  
the heirs of Margaret Woolfenbarger deceased.

Your Commissioner knows of no  
debts due to said estate, and none from  
it except the plaintiffs' claims, a state-



must of which is filed herewith marked "B"  
by which your Court finds said estate  
to be indebted to John R. Yeary on the  
23rd day of September 1874 in the sum  
of \$226.31. Your Court must  
said claim is due from  
therefore report that said estate will  
said estate to said Yeary; and also one  
~~other claim against said estate~~ the  
other claim due to Hill and Beiler from  
~~estate of this estate 3 years ago.~~  
said Margaret Walpurgis in her  
~~Att. of which is respectfully submitted~~  
Wm. F. Orr Court.

~~Nov. 15/76.~~

lifetime of \$188.88 with interest from  
14th day of November 1874 due by  
Judgment against Daniel Beiler the  
Adm. of the estate of Margaret Walpurgis-  
barger decd. but your Commission  
must report that said Judgment  
has no priority, but must share  
equally with the claims of said  
Yeary. And these two claims  
are all that your Commission  
finds against said estate; and  
the rents and profits of said  
land will not pay these claims  
within five years.  
Nov. 16<sup>th</sup> 1876 Wm. F. Orr Court.



John R. Yeary

vs } Report of Wm. A. Orr  
Special Comm.

Addison Smyth et als

Filed Nov. 15<sup>th</sup> 1876

R. W. Orr Jr. S.C.

Comm. W. A. Orr

3 hours @ 75 cts \$ 2.25-

Witnesses

1.00

---

\$3.25-



To the Honorable John A. Kelly Judge of  
the Circuit Court of Lee County.

The undersigned who was by a former  
decree of your Honorable Court, appointed  
a special commissioner for the purpose  
begs leave to report - That he has made the  
deed required by said decree to John R.

Grady the purchaser of the undivided interest  
of the land mentioned in said decree, as the  
share in the John T. Ely farm purchased by  
Margaret Walfridberger in her lifetime from  
Addison Smythe & his wife. That being  
the land sold by your commissioner to  
said Grady - This being the only duty re-  
quired of your commissioner he humbly  
submits his action to the Court.

A. L. Prelimone Commr.

May 24<sup>th</sup> 1876.



John R. Yeary

vs } Report No 2  
Submitting agent

Adellon Lupton

Filed May 24th 1896.

James W Orr, Clerk.



To the Honorable John A. Kelly Judge of  
the circuit Court of Lee County Va

The undersigned, a special commissioner  
appointed for the purpose in the chancery cause  
now pending in your Honor's Court, proceeded  
as directed a decree rendered therein at the last  
December term to advertise, And on the 5th  
day of Feb. 1877 being County Court day at  
the front door of said Court, to sell to the highest  
bidder, the lands owned by Margaret Wolfshager  
deceased at the time of her death, being as your  
<sup>Court</sup>~~Order~~ is informed  $3\frac{1}{2}$  shares or one half of the  
old John City tract described in the will

A. R. Suggins being the highest bidder at  
the price of \$260. the same was knocked down to  
him, he then paid me in hand residue of cash,  
as fixed by the clerk \$14.50. and I retained my  
commission \$13.00 and then said Suggins executed  
his notes to me for the residue of \$232.48: payable,  
in twelve months with interest from date  
with M. D. Richmond security there. The se-  
curity is perfectly good and solvent and  
the sale was not doubt as good as could be  
made as the creditors were themselves, or by  
their agents present and they would bid no higher  
in this sale. All of which is respectfully  
submitted. Feb. 6<sup>th</sup> 1877. The

A. L. Proctor comr.



John R. Geary

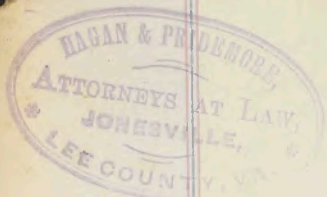
vj } A. L. Prudden Com.  
J. Report. No 2

Adelina Smyth

Filed Feb 6/77

R. W. Orr Jr. DC





To The Honorable John A. Kelly Judge  
of the Circuit Court of Lee County Va.  
The undersigned Special Commissioner  
in the case of John R. Geary v Addison  
Smith et al, beg leave to report, that  
the purchase money due from A. R.  
Surgeon as report heretofore in this  
cause has been fully paid except a  
small portion now due upon, and  
which is due your Commissioner under  
an arrangement - both the creditors be  
having paid there all that is due them  
And your Commissioner is willing to take  
said purchaser's security for the same  
so that a deed may now be made to said  
purchaser. All other matters in this  
cause is now fully settled and the same  
after said deed or confirmation may  
be stricken from the docket. All  
of which is respectfully submitted  
A. L. Pridemore Commr.



A. L. Pickens Com.

In } Report No (3)

Geary v. Smith et al

Filed Nov. 12<sup>th</sup> / 1874

Teste - J. W. Orr, clk



To the Hon. John A. Kelly Judge of the  
Circuit Court of Lee County Va

The undersigned Commissioner begs leave  
to report that, as by a decree rendered  
on the 4<sup>th</sup> day of April present term  
he has made & executed the deed  
of conveyance directed by him to be  
made to A. R. Surgenor, in the cause  
of John R. Geary against Addison  
Smith et al; and herewith files the  
same marked "A". So far as your Com-  
missioner can see or know said  
cause can now be stricken from  
the docket. All of which is  
respectfully submitted.

April 8<sup>th</sup> 1882.

A. L. Pridemore



John R. Geary

13 Report of  
A. L. Williams as  
Final  
Addition Amster

Filed Apr. 4' 1882

J. A. Hyatt  
Clerk



Gainesville, Tex. Co. 7<sup>th</sup>  
September 11<sup>th</sup> 1876.

John B. Geary  
against

Adelison Smith et al. Defts } In Chy.

The parties to this suit, and all others interested are hereby notified, that at the Law Office of Ayers & Orr, in Gainesville, on the Saturday the 23<sup>rd</sup> day of September 1876, I will proceed to execute a decree of the Circuit Court of Lee County, entered in the above styled cause, on the 6<sup>th</sup> day of September 1876 (of its terms and requirements the parties are required to take notice and act accordingly), at which time and place all parties interested are required to appear and to produce and bring with them all necessary papers and such witnesses as they may desire to introduce touching any matter about which oral testimony may be desired.

Wm. A. Orr. Com'r.



John B. Yeary  
vs Notice - Sept 23 - 1876  
Atchison Smith et al

Exhibited  
Thomas J. Ely D S  
for Thomas S. Ely D L & C

(Exhibit "A")

241.60  
241.43  
249.03  
22.72  
222.31



The estate of Margaret Waalfenbarger  
to John R. Gary assignee

To Int. on note from Sept. 13<sup>th</sup> 1872 to Mch 2<sup>d</sup> 1876 41 60

Mch 2<sup>d</sup> 1876 " prin. of said note

" " " By Cash recd by A. L. Bridgman Comr in this cause

Sept 23<sup>d</sup> 1876 To Int. on bal due Mch. 2<sup>d</sup> 1876 to this date

This sum to square

Bal due Sept. 23<sup>d</sup> 1876

Int	Dr	Cr
\$	\$	\$
41 60		
	200 00	
7 43		22 72
49 03	200 00	22 72
	226 31	



Statement of debts  
due from the estate  
of Margaret Madeline -  
barnes decd.

"Exhibit 83"




This deed made the 10 day of June  
1874 between Edison Smith and  
Rebecca Smith his wife of Lee County  
Kentucky of the first part and  
Margaret Walflinbarger of Lee County  
Virginia of the second part.

Witnesseth - that the parties of the first  
part, in consideration of the sum of  
of Two hundred dollars, paid and  
received to be paid as follows to wit  
by note bearing date, 12 day of Sep-  
tember 1872 for the sum of two hun-  
dred dollars, for the payment of  
which, a lien is hereby retained  
on the lands hereafter described -  
The parties of the first here bargained  
granted and sold, unto the party of  
the second part, all their right title  
and interest in and to a certain tract  
or parcel of land, lying in the County  
of Lee and State of Virginia and  
bounded as follows to wit lying on  
Powells river known as the farm John  
T. Ely owned at the time of his death  
it being the same farm upon which  
John T. Ely died and is buried - The  
party of the first part, hereby convey and  
reventh of the said farm, they being



~~Leaves of~~

heirs of the said John T. Ely. do agree  
and the parties of the first part do  
covenant with the party of the second  
part that they will warrant generally  
and forever defend lands hereby an-  
nected. Witness the following signatures  
and seals this the day and year  
first above written -

Adison Smyth 

Rebecca <sup>her</sup> ~~mark~~ <sup>mark</sup> Smyth



Kentucky L & C County to wit.  
~~and~~ <sup>by</sup> Wm H Crawford J. P. L. C  
The undersigned Justice of the peace  
in and for the County of L & C and State  
of Kentucky, do certify that Adison  
Smyth whose name is signed, to the  
foregoing deed bearing date the 10<sup>th</sup>  
day of June 1874 personally  
appeared before us and acknowledged  
the same to be his act and deed -  
Given under my hand this 10 day of  
June 1874

Wm H Crawford J. P. L. C



Kentucky L&E County to wit  
we W<sup>m</sup> H Cranford and Turner  
Hughs Justices of the peace  
in and for the County and State aforesaid  
do certify that Rebecca Smith the wife  
of Selison Smith whose names are signed to  
the writing above bearing date on the  
10 day of June 1874, personally appeared  
before us in the County and State aforesaid  
and being examined by us, privily and apart  
from her husband; and having the writing  
aforesaid fully explained to her she the said  
Rebecca Smith, acknowledged the said  
writing to be her act, and declared that  
she had willingly executed the same and  
does not wish to retract it. Given under  
our hands this 10 day of June  
1874.

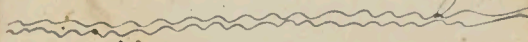
W<sup>m</sup> H Cranford J. P.  
Turner Hughs J. P.



Margaret Wolfsberger

From D.D.D.

Elisen Smith & wife



"B"



Hill & Beeler  
vs  
Daniel Beeler Adm<sup>r</sup>

Judgement - November 14<sup>th</sup> 1874. \$188.88

Interest from Judgement.

Officer W. Hollinsworth for serving Warrant	50
Ben Manson for Issuing Warrant	25
E. A. Scuff for Judgement Docketing &c.	1 20
E. A. Scuff for Issuing Execution	. 30
Officer for Serving Execution	1, 00

State of Tennessee }  
Franklin County }

I Certify that the foregoing Judgement  
the Title of which is Hill & Beeler, vs Daniel  
Beeler Adm<sup>r</sup>, for \$188.88 with the Annexed  
Bill of Cost, is a true copy as it is on the  
Docket, in my Office.

Given under my hand at office September  
18<sup>th</sup> 1875-

E. A. Scuff  
Justice of Peace for Franklin  
County



Will & Beeler  
v-3

Daniel Beeler adm<sup>r</sup>

Judgment Bill  
of costs &c



**THIS INDENTURE**, Made this 12th day of October 1872, between  
Adison Smith and Rebecca Smith his wife

of Lee County Kentucky of the first part, and  
Margaret Wolfenbarger

of Lee County, Virginia of the second part,

Witnesseth, That the part of the first part, in consideration of the sum of  
Two Hundred Dollars. (\$200.00)

~~Has~~ paid and secured, to be paid as follows, to-wit: ~~in~~ ~~Repayment~~  
by note bearing date of Sept The day 1872 for the  
payment of the same a Lien is hereby retained upon  
Said Land

the receipt whereof is hereby acknowledged, has

bargained and sold, and by these presents do convey and confirm unto the said part of  
the second part, his ~~all their interest in~~ heirs and assigns forever a certain tract or parcel  
of land, lying in the County of Lee and State of Virginia and

bounded as follows, viz.: Lying on Powell's river known as the farm  
John J. Ely owned at the time of his death it being the same  
farm upon which John J. Ely died and is Buried  
the part of the first part hereby sells and conveys  
unto the part of the second part all of their right  
title and interest to and in said above named  
tract of Land which interest as conveyed is one seventh  
part of said Land the part of the first part being heirs  
at Law of John J. Ely deceased



And the Said Second party  
To have and to hold the said interest in said  
Tract or parcel of land, with all appurtenances,  
unto Margaret Wolfenbarger the part of the second part, his heirs and  
assigns forever, with covenant of General **Warranty:** And the said  
part of the first part do further covenant with the said part of the second part  
that they will warrant and forever defend the title to the foregoing described land and  
premises from the claim of all persons whatever.

In Testimony Whereof, The said part of the first part has hereunto sub-  
scribed their names the day and year first herein written.-



Adison Smyth  
Rebecca + Smyth  
and

The Commonwealth of Kentucky: } Set.

Lee County,

I, E. D. Hughes deputy for H. F. Hargis Clerk of the Lee  
County Court, do hereby certify that the foregoing deed from Adison Smyth  
and Rebecca Smyth

was produced to me in my office on the 12th day of October 1872, and was  
Rebecca Smyth having been examined by me separately and apart from her husband  
duly acknowledged by the said Adison Smyth and Rebecca Smyth the said  
to be their act and deed, duly stamped, as required by Act of Congress, and lodged for record.

Whereupon the same, together with this Certificate, is certified to the clerk of the County of Kentucky  
for record.  
Witness my hand, this 12th day of October 1872

Clerk.

By

D. C.

The Commonwealth of Kentucky } Sect.  
Lee County

I Edward Hughes.

deputy for H. F. Hargis clerk of the Lee County  
Court, do hereby certify that the foregoing deed  
from Adison Smyth and Rebecca Smyth ~~was~~  
was produced to me in my office on the 12th day  
of October 1872 and was duly acknowledged by the  
said Adison Smyth and Rebecca Smyth. The  
said Rebecca Smyth having been examined  
by me separately and apart from her husband  
whereupon she made this acknowledgment of her  
own free will and accord. to be their act and  
deed. for the purposes therein contained. duly stamped  
as required by act of Congress. Whereupon the  
same together with this certificate is certified to the  
clerk of the Lee County Court State of Virginia for  
Record. given under my hand and Seal of  
my office this the 12th day of October 1872

Kenaz J. Hargis Clerk

By E. D. Hughes D. C.



Adison Smith Wife

To WARRANTY DEED.

Margaret Hollubarger

1872 Oct 13th

Acknowledged before me, in due form,

by Adison Smith &

Rebecca Smith

Attest

H. H. Harris.

Clerk.

E. D. Hughes

D. C.

Filed for Record Oct 14th 1872

Recorded in Deed Book No.

Page

Tax 50 cents

Fees, \$

Due, \$



State of Tennessee  
Greninger County } To any Lawful officer to  
Execute and Return & Command you to summon  
Daniel Beeler A.D. of Margaret Walferhager Decd  
to answer the Complaint of Hill & Beeler in a  
pled of debt Due by account in & some under  
Five hundred Dollars given under my hand  
and Seal this cracembar 6<sup>th</sup> 1874

Ben Branson J P



Hill & Beeler  
N.S.

Donel. Beeler A.D.  
of Margaret Wolfenbarger } Judgement in favor  
of Plaintiffs and against  
Defendants for (\$188.88) one hundred and eighty  
eight Dollars and eighty eight cents, and  
all legal costs, for which execution may  
issue. This 14<sup>th</sup> day of November 1874.

Enos A. Acuff  
Justice of Peace

Marion

Hill & Beeler

Donel Beeler, A.D.

of Margaret Wolfenbarger

usual since 1874

Execution and the

twice for trial on the

14<sup>th</sup> Day of Nov

1874 before E. A. Acuff

Wm. H. Henshaw  
Clerk





This Note is for Rebecca Smyth  
in trust in the undivided track of John Ely  
Land in Lee County on paws River.



September the 12 1872

One day after date I bind my self and etc.  
to pay Adson Smyth the sum of \$ Two hundred  
dollars for value received of him as witness my hand  
and seal Margaret Wolfenbarger Seal



For value received I assign  
the within note to John R Gary  
Sept 21st 1872.

Addison Smyth

To the  
Jas W Orr.



232.45-

13.92470

232.45

#246.39

240 ✓

979.10  
391.64  
1370.74  
1261  
109

979

120

each year.

5904

183.79  
46  
137.79

244.39

126.21  
13.15  
113.15

427.84  
18.22  
261.54

658.16  
195.10  
463.04  
709.89  
88.96  
1261.89



Jeany }  
vs }  
Smiths }  
Memo.

#260 A.R.S.

Jeany vs Smiths

Suit of Jeany debt. 23<sup>d</sup> Sept. 1876. #226. 31

Pr. of Dealer Hill .. 188. 88

Put from 16<sup>th</sup> Nov. 1874. 12. 66  
201. 54

Jeany debt. 226. 31  
427. 85

Suit early, to be paid in hand. 14. 55  
\$442. 40



Virginia.

In the clerks office of the Circuit Court of Lee County, on the  
24th day of September 1875.

John R Geary

Plaintiff

Addisaw Smyth, Alfred Wolfenbarger & Margaret  
Wolfenbarger his wife

Defendants Facias

Whereas a suit in chancery has been depending in our said Court  
between the said Geary plaintiff, and the said Smyth & Wolfenbarger  
& wife defendants, and before a final decree was rendered therein  
the said Margaret Wolfenbarger died, and the plaintiff has applied  
for a Seire Facias against Thomas S Ely Administrator of the said  
Margaret Wolfenbarger decd, and Orpha wife of Joseph Wolfenbarger  
David L Beeler, Daniel Beeler, Caleb Beeler and Morgan<sup>sr</sup> Beeler  
heirs at law of the said Margaret Wolfenbarger decd.

Therefore we command you that you make known to the said  
And it appears by an affidavit filed in said suit, that the said  
Orpha wife of Joseph Wolfenbarger, David L Beeler, Daniel Beeler,  
Caleb Beeler and Morgan<sup>sr</sup> Beeler heirs at law of the said Mar-  
garet Wolfenbarger decd, are nonresidents of the State of Virgin-  
ia. It is therefore ordered that they appear here within one  
month after due publication of this order, and shew cause if  
any they can, why the said suit should not be proceeded in to a  
final decree.

A copy

Teste James W Orr. Clerk.

I certify that on Monday the first day of the October Term 1875,  
of the County Court of Lee County, I posted a copy of the above  
order at the front door of the Court house of said County.

October

1875.

James W Orr. Clerk.



John R. Geary.  
vs { Order Pub' on Seine-  
- Facias.  
Addison Smyth et als.

---

Copy to Sentinel, Sept 27th  
1875.  
James W. Orr. clerk.



The Commonwealth of Virginia.

To the Sheriff of Lee County. Greeting.

Whereas a suit in chancery has been depending in our said circuit of said County between John R Yeary plaintiff and Addison Smyth, Alfred Walfenbarger & Margaret Walfenbarger his wife, defendants, and before a final decree was rendered therein, the said Margaret Walfenbarger <sup>deceased</sup> died, and the plaintiff has applied for a Scire Facias against Thomas S Ely Administrator of the said Margaret Walfenbarger, and Orpha wife of Joseph Walfenbarger David L Beeler, Daniel Beeler, Caleb Beeler and Morgan M Beeler heirs at law of the said Margaret Walfenbarger, decd.

Therefore we command you that you make known to the said Thomas S Ely Admr as aforesaid and Orpha wife of Joseph Walfenbarger, David L Beeler, Daniel Beeler, Caleb Beeler and Morgan M Beeler heirs at law of the said Margaret Walfenbarger decd, that they be before the Judge of our said Court, at the Court house in the Clerk's office, at rules to be holden for our said Court, on the first Monday in October next, to shew cause, if any they can, why the said suit should not be proceeded in to a final decree, And have them there this writ. Witness James W Orr Clerk of our said Court, at the Court house, this the 24th day of September 1875, in the 100th year of the Commonwealth.

James W Orr. Clerk.



John R. Geary  
vs { Scire Facias  
Aldisam Smyth et als.

---

October Rules 1875

I accept legal service of  
the within Scire Facias.

Thos S. Edg. Esq.,  
Attorney.



Virginia,

In the Clerk's Office of the Circuit Court of Lee  
County, on the 24th day of May 1876.

John R. Yearz

against

Plff.

Addison Smith et als

Defts. In Chancery, on an orig.

The object of the said bill, as amended is to convene the  
creditors of the decedent Margard Wolfmberger, and ascertain  
the indebtedness of her estate, & to marshal the assets both real  
and personal, and to subject to the payment of the debts of  
said estate the real estate belonging thereto, in the event the  
personal estate will not be sufficient to pay said debts, and  
it appearing from an affidavit filed in the cause, that  
the defendants Addison Smith, Alfred Wolfmberger, Joseph  
Wolfmberger, Orpha Wolfmberger, David C. Buler, Daniel  
Buler, Caleb Buler & Morgan M. Buler are nonresidents of the  
State of Virginia, it is ordered that they appear here  
within one month after due publication of this order, &  
do what is necessary to protect their interests in this suit.

A Copy

Lest - James W Orr, Clerk

A copy of the above order was posted at the front door  
of the Court house of Lee County, on the first day of the  
June Term 1876, of Lee County Court.

Lest - James W Orr, Clerk



John R. Geary  
vs 3 Copy of Ord Pub  
to 3.  
Addison Smith et al

---



Virginia

At Rules held in the clerk's office of the Circuit Court, of Lee  
County, <sup>on the 3rd day of</sup> September the 3rd 1873.

John R. Geary

against

Addison Smith, Alfred Wolfenbarger & Defendants

Plaintiff -

In Chancery

Margaret his wife

The object of this suit is to obtain a decree for the sale of the land  
in the bill mentioned, or a sufficiency thereof to pay and satisfy  
the bond in the bill mentioned, due the plaintiff; And it appear-  
ing from an affidavit filed in the cause that the defendants  
are nonresidents of this Commonwealth, it is therefore ordered  
that they appear here within one month after due publication  
of this order and do what is necessary to protect their interests  
in this suit.

A copy

Teste James H. Orr, Clerk.



I James W Orr Clerk of the Circuit Court of Lee County Va do  
Certify that on Monday the first day of the Sept term 1873,  
of Lee County Court, I posted a copy of the within order  
at the front door of the Court house of said County.  
This Sept 15th 1873.

James W Orr Clerk.

John R Yeary  
Order Publication  
Addison Smith et als  
Copy mailed to Arlington  
Virginia Sept 8th 1873.  
Copy to Lee County District  
January 7th 1874.



State of Tennessee  
Grainger County

To The Sheriff or any Constable of said County you are hereby commanded that of the Goods and Chattels Lands and Tenements of Daniel Beeler Administrator of Margaret Woolfenbarger. if to be found in your County you make or Cause to be made the sum of One hundred and Eighty Eight Dollars and eighty eight cents, with interest from the date of Judgement and all lawful costs. To satisfy a Judgement and Cost that Hill & Beeler of the firm of Hill & Beeler, recover against The said Daniel Beeler. (Administrator of Margaret Woolfenbarger Decesse,) before Enos A. Acuff Esqr. on the 14<sup>th</sup> day of November 1874  
Given under my hand at office on the 7<sup>th</sup> day of July 1875.

Enos A. Acuff  
Justice of the Peace  
for Grainger County

State of Tennessee  
Grainger County  
J. P. M. Senter County Court Clerk of said County  
aforesaid. do hereby certify that Enos A. Acuff, whose genuine Official Signature appears to the undersd. is now and was at the time of signing the same a regularly acting Justice of the Peace for said County, duly elected, commissioned and qualified, and that full faith and credit is due all his <sup>official</sup> acts as such.

In testimony whereof I herewith set my hand and Official Seal at Office in Rutledge August 28<sup>th</sup> 1875-

J. P. M. Senter Clerk  
By J. S. Doyal D. Clerk



# Execution

Hill & Beeler  
U.S.  
Daniel Beeler, Adm.  
Issue 7<sup>th</sup> July 1875.

E. A. Scuff  
Justice Peace

Come to Hand the  
16<sup>th</sup> Day of July  
1875 Wm Hollisworth  
Search Made <sup>cont</sup>  
and No goods Nor  
chattels to be found  
in My county of  
the Defendant this  
the 17<sup>th</sup> Day of  
July 1875  
Wm Hollisworth  
court

# Bill of Costs

Judgements -- \$188.88  
Interest from date  
of Judgement --  
Justice for warrant  
Suppoenas Judgement  
and Doctin b. -- 1.20  
Officer serving Warrant .50

8.00

25



The Commonwealth of Virginia:

To The Sheriff of Lee County:—Greeting.

WE COMMAND YOU TO SUMMON

*Thomas S Ely administrator of the  
estate of Margaret Wolfmuncher deceased, Addison Smyth, Alfred  
Wolfmuncher, Joseph Wolfmuncher & Orpha Wolfmuncher his wife,  
David L Beeler, Daniel Beeler, Caleb L Beeler & Morgan Beeler*

to appear before the Judge of the *Circuit* Court of Lee County, at the Court-house, in the  
Clerk's Office, *at June* Rules next, to answer <sup>*an original & amended*</sup> a bill in chancery, ex-  
hibited in our said Court against *them by John R Yeary*

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the  
Court-house, this *25th* day *May*, 1876, in the *100th* year of the Commonwealth.

*James W Orr. Clerk.*



John R Geary  
vs. J. H. in Chancery  
Admiral Smith et als.

---

June Rules 1876.

---

Executed by Delivering a  
copy of the within to  
J. S. Ely the other parties  
are not in the Commonwealth  
J. S. Ely, S. E. E.,



The Commonwealth of Virginia:

To the Sheriff of Lee

County---Greeting:

We command you to summon *Alfred Wolfenberger, Margaret Wolfenberger*  
and *Addison Smyth*

to appear at the clerk's office of the <sup>chancery</sup> ~~county~~ court of Lee, at the court-house, on the first Monday  
in *October* next, being Rule day, to answer a bill in  
chancery, exhibited in our said court against *them* by *John R. Geary*

and unless *they* shall answer the said bill within one month thereafter, the same will be  
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *2nd* day of

*September* 187*2*, in the <sup>98th</sup> year of the Commonwealth.

*Jas. W. Orr Clk.*  
A copy. *Teste Jas. W. Orr Clk.*



The Commonwealth of Virginia:

To the Sheriff of Lee

County---Greeting:

We command you to summon

Addison Smyth

Alfred Halphenberger, Margaret Halphenberger and

to appear at the clerk's office of the <sup>Circuit</sup> ~~county~~ court of Lee, at the court-house, on the first Monday  
in October next, being Rule day, to answer a  
-chancery, exhibited in our said court against them

bill in  
by John R. Geary

and unless they shall answer the said bill within one month thereafter, the same will be  
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the 3rd day of  
September 1873, in the <sup>98th</sup> year of the Commonwealth.

J. W. Orr D.C.



John R. Geary <sup>S</sup> ~~W & R~~  
vs ~~Spain~~ Chy.  
Alfred Walfenberg et al.

Oct Ruler 1873

Not executed the defendants  
are not residents

C. L. Hamblin & Co



The Commonwealth of Virginia:

To the Sheriff of Lee

County---Greeting:

We command you to summon

*Alfred Walfenbergar, Margaret Walfenbergar*  
*and Addison Smyth*

to appear at the clerk's office of the <sup>circuit</sup> county court of Lee, at the court-house, on the first Monday  
in *October* next, being Rule day, to answer a bill in  
chancery, exhibited in our said court against *them*

by *John R. Geary*

and unless *they* shall answer the said bill within one month thereafter, the same will be  
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *3rd* day of

*September*

187*3* <sup>98th</sup>, in the year of the Commonwealth.

*Jm R. Orr Sec.*  
*A copy* *Jm R. Orr Sec.*



The Commonwealth of Virginia :

To the Sheriff of Lee

County---Greeting :

We command you to summon

*Alfred Wolfenberger, Margaret Wolfenberger*  
*and Addison Smyth.*

to appear at the clerk's office of the <sup>circuit</sup> county court of Lee, at the court-house, on the first Monday  
in *October* next, being Rule day, to answer a bill in  
chancery, exhibited in our said court against *them* by *John R. Geary*

and unless *they* shall answer the said bill within one month thereafter, the same will be  
taken for confessed, and the said court will decree accordingly. And have then this writ. Witness

JAS. W. ORR, Clerk of our said court, at the court-house, the *3rd* day of

*September* 187*2*, in the year of the Commonwealth.

*Jm A. Orr D.C.*  
A copy  
Teste *Jm A. Orr D.C.*



OFFICE OF

# Lee County Sentinel,

WEST & PAYNE, Publishers.

JOHN B. WEST, Editor and Proprietor.

*Jonesville, Va., Jan'y 1st 1874.*

*Virginia, Lee County, to wit:*

*I do hereby certify that the annexed notice has been published, four weeks successively, in the "Lee County Sentinel", a newspaper printed in the town of Jonesville, County and State aforesaid.*

*Given under my hand Jan'y 1st 1874.*

*John B. West*

*Ed' "Lee County Sentinel"*

## VIRGINIA

At Rules held in the Clerk's office of the Circuit Court of Lee county, on the 3d day of September, 1873.

John R. Yeary, Plaintiff,  
against  
Addison Smith, Alf. Wolfenbar  
ger & Margaret his wife, def'ts. } In Chancery.

THE object of this suit is to obtain a decree for the sale of the land in the bill mentioned, or a sufficiency thereof to pay and satisfy the bond in the bill mentioned, due the plaintiff. And it appearing from an affidavit filed in the cause, that the defendants are non residents of this Commonwealth, it is therefore ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interests in this suit.

n11-4w

A copy, teste—JAMES W. ORR, Clerk.



John R. Geary

vs } Certificate of Publication

Aldison Smith et al



I hereby certify that a chancery order in the case of John R. Gray vs. Addison Smith et als, of which the annexed is a copy, was printed successively 4 times, ending today in the Lee County Sentinel, a weekly newspaper published in the State of Virginia.

June 16. 1876. } C. McLaughly.

Pub. "Sentinel"

VIRGINIA. In the Clerk's office of the Circuit Court of Lee County, on the 24th day of May, 1876.

JOHN R. YEARY, Plaintiff,

ADDISON SMITH et als. Defendants.

IN CHANCERY, ON AN ORIGINAL AND AMENDED BILL.

The object of the said bill, as amended is to convene the creditors of the decedent Margaret Wolfbarger, and ascertain the indebtedness of her estate, to marshal the assets both real and personal, and to subject to the payment of the debts of said estate, the real estate belonging thereto, in the event the personal estate will not be sufficient to pay said debt. And it appearing from an affidavit filed in the cause that the defendants Addison Smith, Alfred Wolfbarger, Joseph Wolfbarger, Opha Wolfbarger, David C. Beeler, Daniel Beeler, Yaleb Beeler and Morgan M. Beeler are nonresidents of the State of Virginia. It is ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interests in this suit.

A copy—Jesse: JAMES W. ORR, Clerk.  
may 25-1 p f \$6.50. 273131210 X0008



Pubr. Certificate

John R. Gray

vs.

Adolphe Smith



I hereby certify that an order of publication (of which the annexed is a copy) of John R. Yeary vs. Addison Smith et al. was printed successively four times in the Lee County Sentinel, a weekly newspaper, published in the Commonwealth of Virginia. Publication ending September 22, 1878.

Chas. H. Thompson,  
Ed. Sentinel.

VIRGINIA:—In the Clerk's office of the Circuit Court of Lee County, on the 24th day of September, 1878.

JOHN R. YEARY, Plaintiff,  
against

ADDISON SMITH, ALFRED WOLFENBARGER and MARGARET WOLFENBARGER, his wife, Defendants.

In Chancery on a Scire Facias.

Whereas a suit in Chancery has been pending in our said court between the said Yeary and the said Smith and Wolfenbarger and wife, defendants, and before a final decree was rendered therein the said Margaret Wolfenbarger died, and the plaintiff has applied for a Scire Facias against Thomas S. Fly, administrator of the said Margaret Wolfenbarger, decd., and Orpha, wife of Joseph Wolfenbarger, David C. Beeler, Daniel Beeler, Caleb Beeler and Morgan M. Beeler, heirs at law of the said Margaret Wolfenbarger, deceased. And it appearing by an affidavit filed in said suit, that the said Orpha, wife of Joseph Wolfenbarger, David C. Beeler, Daniel Beeler, Caleb Beeler and Morgan M. Beeler, heirs at law of the said Margaret Wolfenbarger, decd., are non-residents of the State of Virginia. It is therefore ordered that they appear here within one month after due publication of this order, and shew cause, if any they can, why the said suit should not be proceeded in to a final decree.

A copy—Teste:

47-50.

JAMES W. ORR, CLERK.



John R Yeary  
Certificate of Pub'  
Addison Smith et als

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